

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed September 15, 2005. Claims 2, 7, 8, 48, 53 and 54 were previously cancelled without prejudice or disclaimer. Claims 1, 3-6, 9-47, 49-52 and 55-101 are pending in this Application. Claims 1, 33, 47, 79 and 93 stand rejected under 35 U.S.C. §102(e) and Claims 1, 3-6, 9-47, 49-52 and 55-101 stand rejected under 35 U.S.C. § 103. Applicants have amended Claims 1, 33, 47, 79 and 93 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101

Claim 79 stands rejected by the Examiner under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter. Applicants have amended Claim 79 and submit that Claim 79 now meets the requirements of section 101. Applicants respectfully request that the Examiner reconsider and withdraw the rejections to Claim 79.

Rejections under 35 U.S.C. § 102

Claims 1, 33, 47, 79 and 93 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,564,261 issued to Gudjon M. Gudjonsson ("*Gudjonsson*").

Gudjonsson discloses a system and method of establishing communication sessions between users as a function of their availability and/or communication devices. Users registered with a cluster containing user servers (US) 19 establish a communication session by using devices (see Table 5, Col. 33). The communication session may be established when a first user sends an invitation message to a second user regarding establishment of the communication session. (Col. 24, Lines 32-42). A user server 19 associated with the first user determines how to route the invitation message to the second user. (Col. 24, Lines 47-55). The invitation is received by a user server 19 associated with the second user and the second user's user server 19 forwards the invitation message to, for example, the second

user's mobile phone, inbox or computer if the user is online. (Col. 24, Lines 56-65). The invitation message then may be accepted or declined by the second user.

Claims 1 and 33 recite a method comprising "receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device."

Claims 47 and 79 recite a data processor program product operable to "receive from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device."

Claim 93 recites a communication apparatus capable of "receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device."

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants' invention. *Gudjonsson* fails to teach a method comprising "receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device," as recited by amended Claims 1 and 33. *Gudjonsson* also fails to disclose or suggest a computer program product capable of enabling at least one data processor to "receive from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device," as recited by amended Claims 47 and 79. *Gudjonsson* additionally fails to teach a communication apparatus capable of "receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device," as recited by amended Claim 93. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1, 33, 47, 79 and 93.

Rejections under 35 U.S.C. §103

Claims 1, 3-6, 9-47, 49-52, and 55-101 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,430,602 issued to Timothy Kay et al. ("*Kay*"), in view of *Gudjonsson*.

Kay discloses a method and system for interactively responding to requests sent from a user as instant messages. The system includes a message processor 12 which is connected to a data network 14 through an instant messaging (IM) port 16. (Col. 4, Lines 28-34). When message processor 12 receives an IM request from a user 18, the processor 12 forwards the request to a local or remotely located query response server 22. (Col. 4, Lines 58-61). Query response server 22 includes a natural language interpreter or other smart system capable of responding to queries and other request of an arbitrary nature related to topics within at least a specified range of issues by generating an appropriate answer. (Col. 4, Lines 61-66). The answer generated by query response server 22 is returned to the message processor 12, which incorporates the answer into an output message and sends the output message to the user 18 through the IM network. (Col. 4, Line 66 to Col. 5, Line 2). The output message can be forwarded to the user through any other designated means, including e-mail, fax, text messaging to wireless or hand-held devices, voice mail (via a text to speech output system), or any other type of messaging system specified by the user. (Col. 5, Lines 3-7).

Applicants respectfully submit that the cited references fail to disclose every element of Applicants' invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Kay* and *Gudjonsson*. *Kay* and *Gudjonsson*, alone or in combination, fail to teach at least "receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device," as recited in amended Claims 1 and 33. Additionally, *Kay* and *Gudjonsson* fail to teach a computer program product capable of enabling a mediation subscriber device to "receive from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device," as recited by

amended Claims 47 and 79. Further, *Kay* and *Gudjonsson* fail to teach or suggest a system for facilitating mediated virtual communication capable of “receiving from the second user via the second communication device a reply for accepting the request, the reply selected by the second user during the mediated communication session from at least one response displayed on the second communication device,” as recited by amended Claim 93. The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 1, 33, 47, 79 and 93.

Given that Claims 3-6 and 9-32 depend from Claim 1, Claims 34-46 depend from Claim 33, Claims 49-55 and 57-78 depend from Claim 47, Claims 80-92 depend from Claim 79, and Claims 94-101 depend from Claim 93, Applicants respectfully submit that Claims 3-6, 9-32, 34-46, 49-55, 57-78, 80-92, and 94-101 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1, 3-6, 9-47, 49-52, and 55-101.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration and the allowance of Claims 1, 3-6, 9-47, 49-52 and 55-101, as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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